

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MITSUGU USUI
MARI YAMAGUCHI, MOTOHITO KANESHIMA, and AKIJI AOKI
(08/817,101),
Junior Party,

v.

MARK R. **McCORMICK**
(08/724,631),

Senior Party.

Interference No. 105,065

Before SCHAFER, TORCZON, and TIERNEY, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT
(PURSUANT TO 37 CFR § 1.662(a))

INTRODUCTION

Junior party Usui has requested (Paper 7) adverse judgment as to all of its claims corresponding to count 1, the sole count.

Entry of adverse judgment renders moot McCormick's request (Paper 5) for copies and further action in this interference, specifically including the telephone conference scheduled for 27 March 2003 (Paper 1).

ORDER

Upon consideration of Usui's request for adverse judgment, it is—

ORDERED that Usui's request for adverse judgment be GRANTED;

FURTHER ORDERED that judgment on priority as to Count 1 be awarded against junior party Usui;

FURTHER ORDERED that junior party Usui not be granted to a patent containing the subject matter of claims 28, 30-35, 43, and 44 of Usui's 08/817,101 application, which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative record of Usui's 08/817,101 and McCormick's 08/724,631 application.

RICHARD E. SCHAFER
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

MICHAEL P. TIERNEY
Administrative Patent Judge

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cc (facsimile):

Counsel for Usui (real party-in-interest, Sanko Junyaku K.K.):

[George E. Oram](#)

[Robert K. Carpenter](#)

ARENT FOX KINTNER PLOTKIN & KAHN PLLC

1050 CONNECTICUT AVE NW STE 400

WASHINGTON DC 20036-5339

Tel: 202-857-6000

Fax: 202-638-4810

Counsel for McCormick (real party-in-interest, EMD Biosciences, Inc., a subsidiary of Merck KGaA):

[Nicholas J. Seay](#) Dir: 608-283-2484

[Bennett J. Berson](#) Dir: 608-283-2418

QUARLES & BRADY

PO BOX 2113

MADISON WI 53701-2113

Tel: 608-251-5000

Fax: 608-251-9166